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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,411	02/24/2000	Xiaobao Chen	3-2-2	5744

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EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/512,411

Applicant(s)

CHEN ET AL.

Examiner

Tammy T. Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



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Detailed Office Action

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 21, 2006 has been entered.
2. Claims 1-19 are presented to examination.

Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-3, 5-10, 12-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al., (hereinafter Tso) U.S. Patent No. 6,047,327 in view of Johan Rune., (hereinafter Rune) U.S. Patent No. 6,304,913.

5. As to claim 1, Tso discloses the invention substantially as claimed, Tso teaches including a method of establishing a quality of service session between a correspondent node and a mobile node, the mobile node having a home address in a home network and being temporarily connected at a care-of address in a foreign network, the method comprising the steps of: generating, in the foreign network, a source address of the mobile node's care-of address and a destination address of the correspondent node (see col.4, line 65 to col.5, line 53, col.16, lines 24-60, and col.18, lines 26-50); and transmitting the modified message (see col.12, lines 7-33). However, Tso does not explicitly teach a modified reply message of an Internet Protocol packet.

In the same field of endeavor, Rune discloses (e.g., an Internet system and method for selectinga plurality of alternative servers). Rune discloses a modified reply message of an Internet Protocol packet. [see col.8, lines 31-41, col.11, lines 54-59, and col.14, lines 43-60], (reply message, transmitting an Internet Protocol packet including plurality of unique Internet protocol address from the requesting host to a router).

According, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rune's teaching of an Internet system and method for selecting a closest server from a plurality of alternative servers with the teachings of Tso to have a modified reply message of an Internet Protocol packet because it would have provided the motivation by reducing the response time required to process a request by user and reducing the number of routers that are traversed by the IP packets

6. As to claim 2, Tso teaches the invention as claimed, further comprising the steps of:

receiving, in the home network, a request message having a source address of the correspondent node and a destination address of the mobile node's home address (see col.16, lines 44-60);

creating a modified request message by replacing the destination address of the request message with the mobile node's care-of address (see col.18, lines 56-65); and

transmitting the modified request message to the foreign network, whereby the modified reply message is generated responsive to the modified request message (see col.17, lines 30-45).

7. As to claim 3, Tso teaches the invention as claimed, wherein the step of generating the modified reply message is carried out by proxy device in the foreign network, the proxy device being associated with the mobile node, and

further comprising the steps of:

responsive to receipt of the modified request message at the proxy device, sending a quality of service indication signal to the mobile node, whereby the modified reply message is generated responsive to receipt of a quality of service acknowledgment from the mobile node (see col.5, lines 12-30).

8. As to claim 5, Tso teaches the invention as claimed, further comprising the steps of:

receiving, in the home network, the modified reply message (col.12, lines 7-33);

creating a further modified reply message by replacing the source address with the mobile node's home address (col.18, lines 56-65); and

transmitting the further modified reply message (col.12, lines 7-33).

9. As to claim 6, Tso teaches the invention as claimed, wherein the correspondent

node generates the request message and receives the further modified reply message (see col.30-45).

10. As to claim 7, Tso teaches the invention as claimed, wherein:

the correspondent node is associated with a correspondent proxy device,whereby:

the correspondent proxy device generates the request message responsive to a quality of service request from the correspondent node (see col.5, lines 12-30); and

the correspondent proxy device generates a quality of service confirmation responsive to receipt of the further modified reply message (see col.12, lines 7-33).

11. As to claim 8, Tso teaches the invention as claimed, wherein the step of generating the modified reply message is carried out in the mobile node (see col16, lines 44-60).

12. As to claim 9, Tso teaches the invention as claimed, wherein the step of generating the modified reply message comprises:

generating a reply message having a source address of the mobile node's home address and a destination address of the correspondent node, and replacing the source address with the mobile node's care-of address, thereby generating the modified reply message (see col.4, line 65 to col.5, line 53).

13. As to claim 10, Tso teaches the invention as claimed, in which the step of generating the modified reply message is carried out by a proxy device in the foreign network, the proxy device being associated with the mobile node (see col.5, lines 1-45).

14. As to claim 12, Tso teaches the invention as claimed, including a mobile IP environment capable of supporting a quality of service session, comprising:

a correspondent node, a mobile node having a home address in a home network and being temporarily connected at a care-of address in a foreign network (see col.16, lines 44-60),

a proxy device, in the foreign network, the proxy device associated with the mobile node for generating a source address of the mobile node's care-of address and a destination address of the correspondent node (see col.4, line 65 to col.5, line 53, and col.18, lines 26-50). However, Tso does not explicitly teach a modified reply message of an Internet Protocol packet.

In the same field of endeavor, Rune discloses (e.g., an Internet system and method for selectinga plurality of alternative servers). Rune discloses a modified reply message of an Internet Protocol packet. [see col.8, lines 31-41, col.11, lines 54-59, and col.14, lines 43-60], (reply message, transmitting an Internet Protocol packet including plurality of unique Internet protocol address from the requesting host to a router).

According, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rune's teaching of an Internet system and method for selecting a closest server from a plurality of alternative servers with the teachings of Tso to have a modified reply message of an Internet Protocol packet because it would have provided the motivation by reducing the response time required to process a request by user and reducing the number of routers that are traversed by the IP packets

15. As to claim 13, Tso teaches the invention as claimed, wherein the proxy device is located in the mobile node (see col.5, lines 1-45).

16. As to claim 14, Tso teaches the invention as claimed wherein the proxy device is located outside the mobile node and coupled to the mobile node (See fig.1).

17. As to claim 16, Tso teaches the invention as claimed, including a system capable of

supporting a quality of service session, comprising:

a correspondent node, a mobile node having a home address in a home network and being temporarily connected at a care-of address in a foreign network (see col.12, lines 2-33),

a proxy device, in the foreign network, the proxy device associated with the mobile node for generating a source address of the mobile node's care-of address and a destination address of the correspondent node (see col.4, line 65 to col.5, line 53, and col.18, lines 26-50). However, Tso does not explicitly teach a modified reply message of an Internet Protocol packet.

In the same field of endeavor, Rune discloses (e.g., an Internet system and method for selectinga plurality of alternative servers). Rune discloses a modified reply message of an Internet Protocol packet. [see col.8, lines 31-41, col.11, lines 54-59, and col.14, lines 43-60], (reply message, transmitting an Internet Protocol packet including plurality of unique Internet protocol address from the requesting host to a router).

According, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rune's teaching of an Internet system and method for selecting a closest server from a plurality of alternative servers with the teachings of Tso to have a modified reply message of an Internet Protocol packet because it would have provided the motivation by reducing the response time required to process a request by user and reducing the number of routers that are traversed by the IP packets

18. As to claim 17, Tso teaches the invention as claimed, wherein the proxy device is located in the mobile node located in the mobile node (see col.5, line 1-45).

19. As to claim 18 Tso teaches the invention as claimed, wherein the proxy device is located outside the mobile node and coupled to the mobile node (Fig.1).

20. Claims 4,11,15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al., (hereinafter Tso) U.S. Patent No. 6,047,327, and of Johan Rune., (hereinafter Rune) U.S. Patent No. 6,304,913 in view of Kidder et al., (hereinafter Kidder) U. S. Patent No. 5,903,735.

21. As claim 4, Tso does not explicitly teach the quality of service session is an RSVP Message, the request message is a Path message and the modified reply message is a Reservation message. However, Kidder teaches the quality of service session is an RSVP session (col.7, line 55-col.8, line 17); the request message is a Path message (col.8, lines 3-17, col.8, lines 49-65, and col.10, lines 22-38); and the modified reply message is a Reservation message (col.8, lines 3-17, and col.9, lines 17-41). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement teaching of Kidder into the computer system of Tso to have an RSVP, Path and Reservation message session includes in a communication system because it would have an efficient system that provide a remote receiver requests that a certain amount of bandwidth be reserved by the server for a data stream; the server sends back a message indicating whether or not the request has been granted.

22. Claims 11, 15, and 19 have similar limitations as claim 4; therefore, they are rejected under the same rationale.

Response to Arguments

23. Applicant's arguments with respect to claims 1-19 have been considered but are moot in

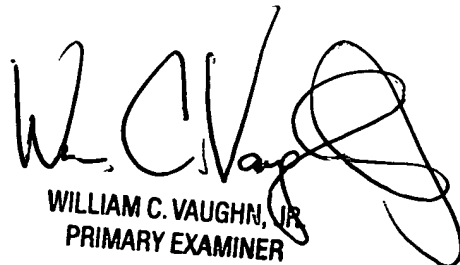
view of the new ground(s) of rejection. Applicant's arguments include the failure of previously applied art to expressly disclose reply message of an Internet Protocol packet (see Applicant's response, Dated April 21, 2006, Page 7, 3rd paragraph). It is evident from the detailed mappings found in the above rejection(s) that Tso and Rune disclosed this functionality (see Rune col.8, lines 31-41, col.11, lines 54-59, and col.14, lines 43-60). Further, it is clear from the numerous teachings (previously and currently cited) that the provision for modified reply message of an Internet Protocol packet, was widely implemented in the networking art. Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive

Conclusion

24. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **VAUGHN JR WILLIAM**, may be reached at **(571) 272-3922**.

TTN
May 15, 2006


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER